

number of small businesses that make up the luxury ground transportation industry. After much hard work from several members of the New Jersey Delegation and hundreds of constituents in New Jersey and around the country, the President will sign H.R. 2546, The Real Interstate Driver Equity Act. This Act will bring tremendous relief to those operators of the luxury ground transportation industry conducting interstate business.

Four years ago, two of my constituents Don Kensey of Au Premiere Limousine of Bellmawr, and James Moseley of James Limousine of Cherry Hill, approached my good friend Congressman Rob Andrews concerning the problem limousine operators in New Jersey were having with local jurisdictions in other States seizing and fining properly authorized vehicles upon picking up their clients to return them to New Jersey. Joining with many other limousine businesses in New Jersey and the National Limousine Association, our constituents organized a national grassroots campaign in the 106th Congress to educate the House and Senate. Today, the Congress is aware of the hardships faced by these small business owners across the country.

Because such a substantial portion of their service does not occur in a single State, limousine and other prearranged ground transportation service providers are frequently assessed registration and licensing fees by these other States. Enforcement of these requirements, which includes vehicle impoundment and heavy fines, has caused tremendous hardship to drivers and owners of these businesses, over 80% of which are one-to-three car operators grossing less than \$500,000 a year. I would note that these problems are especially hard on small businesses in New Jersey, which borders on two States with large cities and airports.

Indeed, I was shocked to hear that in one particularly egregious instance, the CEO of McGraw Hill Publishing was forced out of his limousine, which was seized in another State and told to find another way home. That was when Senator CORZINE and myself, along with Congressman ANDREWS decided to take action.

The Real Interstate Driver Equity Act simply prohibits States other than a home licensing State from enacting or enforcing a law requiring a fee or some other payment requirement on vehicles that provide prearranged transportation service. States and localities can no longer restrict limousine or sedan services if the service is registered with the Department of Transportation as an interstate carrier; the company meets all of the requirements of the State in which it is domiciled or do business; and the limousine or sedan service is engaged in providing pre-arranged transportation from one state to another, including round trips.

This Congress, through the hard work of our constituents, has finally

remedied this inequity in our interstate commerce law.

There were several other members who were instrumental in passing this legislation. I would like to thank Congressmen ROY BLUNT and ROB ANDREWS, who took the lead on H.R. 2546 in the House of Representatives and helped ensure its passage last year. In April of this year, with the assistance of my colleagues Senator HOLLINGS and Senator MCCAIN, the Commerce, Science and Transportation Committee passed H.R. 2546 unanimously. I am also most grateful to Senator REID, Senator BOND, and Senator CORZINE for their able assistance in passing this important small business legislation.

USE OF CUSTOMS FEES

Mr. DORGAN. Mr. President, there is an important provision in the Homeland Security Act of 2002 (H.R. 5710), that, if misinterpreted, could limit the ability of the U.S. Customs Service to effectively protect our borders.

Section 413 of this bill appropriately seeks to ensure that user fees that are currently used exclusively by the Customs Service for the purposes set out in 19 U.S.C. 58(c) will continue to be used for that sole purpose. These fees are paid by commercial vessels, aircraft, railroads and passengers that enter the U.S. This money is used to ensure that there will be Customs personnel available to clear these arriving goods and passengers efficiently when they arrive.

I am concerned that the wording of section 413 could be misconstrued since it merely states that these fees must be directed to the commercial operations of the Customs Service. I want to clarify that the intent of this provision is that these fees continue to be used for the purposes for which they were originally intended as set out in 19 U.S.C. 58(c). Additionally, I have consulted with Senator BAUCUS and Senator LIEBERMAN and they both agree with this view.

The work done by Customs inspectors at our ports of entry is critically important to our country's security and economic health. More than 1,100 Customs inspector positions, as well as overtime pay for Custom's employees, are currently funded out of the fees referred to in section 413. It is imperative that these fees continue to be used as intended. This statement serves as clarification that this is the purpose of section 413 of the Homeland Security bill being considered by the Senate.

BROWNFIELDS REVITALIZATION

Mr. BAUCUS. Mr. President, I rise today to highlight an issue of great importance to the people of my State and to people across this country.

Over the past several years, I worked closely with a number of my Senate colleagues to pass the Brownfields Revitalization and Environmental Restoration Act. Signed into law by the

President last year, this act is an innovative piece of legislation that will promote and accelerate the cleanup of hundreds of brownfield sites around the country.

The Brownfields Revitalization and Environmental Restoration Act passed with strong bipartisan support in both the House and the Senate. It will help states and local communities clean up the country's estimated 1,000,000 brownfield sites. These sites blight our communities, threaten public health and safety, and drain local tax bases.

I am proud of this legislation. It devotes desperately needed resources to address the environmental and economic challenges posed by brownfields.

Still, I remain convinced that there is much left to do. With an estimated 1,000,000 brownfield sites across this nation and new sites being discovered each day, the very best efforts of our government will be insufficient to tackle this growing concern in any reasonable period of time.

For that reason, I have begun exploring legislative options to encourage additional private capital investment in the remediation and redevelopment of our nation's brownfield sites. Such a solution would complement the Brownfields Revitalization and Environmental Restoration Act and could help us make great strides toward creating jobs and cleaning up the environment in communities across the country.

Over 60 percent of the institutional capital in the United States is held for investment by tax-exempt entities such as pension funds and university endowments. Given the risks associated with acquiring and cleaning up contaminated sites, it is no surprise that private investors are reluctant to invest large amounts of capital in brownfields cleanup and revitalization. Tax exempt entities are often prevented from engaging in brownfield cleanups because of the unrelated business taxable income, UBTI, provisions in the code.

The UBTI provisions of the tax code play an important role in ensuring that entities do not use their tax-exempt status to gain a competitive advantage in the marketplace over taxed entities. It is clear, however, that the free market is not moving to remediate and redevelop many of these sites, certainly not at a rate that will solve this problem during our lifetimes. It is my belief that without some additional stimulus, many of these sites will remain unattractive as business investments and will continue to languish and blight our communities.

If we were to allow tax-exempt entities to invest in the remediation and redevelopment of these sites without incurring UBTI, we may be able to create a powerful engine to help revitalize our Nation's brownfield sites. It also seems possible that we could accomplish these goals in this slowed economic climate with a solution that neither materially impacts revenues nor